

HOSTY PUDDING

Chapter 1. Credibility

When I asked the bookstore to hold its one copy of James Patrick Hosty, Jr.'s book on the assassination of President Kennedy for me, it had been unsafe for me to leave the house for nine days. I drove down our lane in which a neighbor had cut a narrow <sup>in the snow</sup> ~~trech~~ <sup>basely</sup> wider than the car and ~~halfway~~ more than half as high as it in some places and found that at the road the snow was so high I could not see whether there was any traffic from either direction. At the next ~~o~~ road intrsection the snow piles <sup>W</sup> here even higher and wider. In places but a single lane had been cut through the record-breaking <sup>snow</sup> fall. I was that anxious to get the one copy of Hosty's book that was in town. I'd followed his career in the FBI from the time of the assassination and thereafter with increasing interest. He'd been saying what I would never have believed would not get him fired by the FBI in which he was a special agent. Despite that he survived to get his retirement and then what he wrote was widely accepted on oped ~~pages~~ pages including that of the Wall Street Journal.

I was surprised to see that his book is titled Assignment: Oswald. Under <sup>title</sup> that on the dust jacket is what also ~~surp~~ surprised me, "from the FBI agent assigned to investigate Lee Harvey Oswald prior to the JFK assassination." The inside flap of the dust jacket had this startling description of Hosty, "the lead investigator in the FBI's post-assassination investigation of Oswald." It then says that he <sup>"began"</sup> ~~"began"~~ to investigate Lee Harvey Oswald in October, 1963." That was a little less startling. The blurb on that flap concludes, "Hosty's testimony has been universally acknowledged as vital to any complete understanding of the Kennedy assassination. As a witness to and participant in every stage of the assassination...." <sup>simply astounding!</sup> Even word of this was news to be. If true.

As it wasn't.

He gave no such testimony anywhere.

He also had none of the knowledge he <sup>claims he</sup> ~~is said to have~~ had.

And rather than being the "lead investigator" in the FBI's investigation after the assassination, on the very day of the ~~ass~~ assassination he had the Oswald case

He thinks and writes of himself as the man who should have been the boss of the investigation and of more. He speaks and writes of himself as the master of all the evidence but in fact he never gets close to the evidence of the crime itself. On that he is ~~ignorant~~ ignorant. In even the special area of his particular clim to full knowledge ~~of~~ and to expertise he is a subject-matter ignoramus. In plain English he regularly, systematically lies about the evidence itself, whether it is the actual evidence of the crime itself or of his special hangu he regard as the most important evidence. Which it is not, and he misrepresents that in addition. He <sup>o</sup>contorts its lack of <sup>e</sup>maning into significant meaning that just happened to conform <sup>with</sup> to his own ~~re~~ political preconceptions. About that he is rabid and it never ends.

<sup>is</sup> ~~Constant~~ with his self <sup>is</sup>-concept, of the ~~man~~ who knew and understand what others did not and could ~~not~~ not, of himself as the one who should have been in charge, he is critical of just about everyone other than his <sup>wife</sup> ~~was~~ Janet. He is ~~criti~~ critical of most in, th, FBI <sup>divided J. Edgar</sup> and at the top of from Hoover down; of both <sup>of the Secret Service; of the Dallas point; of the White House;</sup> houses of Congress; of the Warren Commission; of Robert Kennedy, dragged in by the heels and not in any sense relevant <sup>as</sup> on Hosty writes of him, writing of him with professional inaccuracy; and <sup>among</sup> others of the media, the media that <sup>ambled</sup> ~~see~~ him what he has become.

*a short*  
After ~~some~~ time passed he was put back on the case to work <sup>*only*</sup> on Oswald's back-ground. He says on that he was "the lead investigator" <sup>*of him*</sup> (page 70). There were but two and Hosty was the only local agent. The other, Warren DeBruey of New Orleans, was so little impressed with Hosty as his "lead investigator" he refused, as Hosty admits, to do what <sup>*Hosty*</sup> insisted that he do (pages 79-80).

Beginning with his ~~being taken from case~~ <sup>*the day of the assassination*</sup> having the Oswald case and file taken from him Hosty saw dark conspiracies extending into the FBI itself. ~~But~~ <sup>*all*</sup> the conspiracies he sees are against him and what he said. And probably, more incredible still, undoubtedly believed.

*case had just been referred back to Dallas from New Orleans*  
on which he had done no real work - in fact, the ~~file~~ <sup>and</sup> had just reached him ~~that~~  
*of Dally. If then was*  
that morning from New Orleans ~~and~~ taken from him.

*2A here*  
~~He was later to refer to that as some kind of conspiracy within the FBI.~~

The FBI's ~~records~~ records I got by lawsuits under the Freedom of Information Act, about a ~~the~~ quarter of a million pages, including the records of the ~~the~~ <sup>a</sup> Dalls office to which Hosty was assigned, do not identify any "lead investigator" of that case. What the FBI refers to as the "case ~~agent~~" was not Hosty. It was Robert P. Gemberling. The Dalls <sup>a Hosty included</sup> agents turned their reports in to him ~~and~~ the reports sent by other field offices to Dallas, which was the "office of origin" also went to him. It was Gemberling who prepare what the Dallas office sent to headquarters.

By coincidence a friend of mine who is also a friend of Gemberling's told me in a letter I received three days before I got ~~the~~ <sup>Hosty's</sup> the book that "Hosty is blaming everybody but himself <sup>of</sup> for what happened."

I ~~did~~ did not get far into the book before it was apparent that was not any kind of exaggeration. *That's Hosty. 2B*

*The agency and its agents, by name.*  
Beginning on the very first page of text it is the ~~the~~ Secret Service he ~~goes~~ <sup>goes</sup> after, *goes after*. Within four pages he has it declining his help. He does not say how he could have helped, only that on the morning of the assassination he spoke to Mike Howard of the Secret Service when he gave the Secret Service a copy of a ~~as~~ <sup>N</sup> nasty, anti-Kennedy ~~had~~ <sup>had</sup> bill it already had. Hosty was aware of the fact that the ~~Secret~~ Secret Service feared being taken over by the FBI. ~~Hoover had su J. Edgar Hoover, the~~ <sup>had</sup> founding director of The Federal ~~By~~ Bureau of Investigation, ~~had~~ such dreams. He was put out when the Central Intelligence Agency was created because he wanted the functions of the ~~CIA~~ CIA to be given to the FBI, too.

At no point in being critical of other agencies does Hosty refer to a single thing he of the FBI did that could have been helpful for security when the President visited Dalls. <sup>a</sup> By the time he gets to Lieutenant Jack Revill, then head of the police criminal intelligence unit (beginning on page 17), after <sup>a</sup> referring to him as "a compe-

tent officer," Hosty's knives are out:

*indent*  
*single space*  
"I had noticed glaring weaknesses on his part when it came to the non-organized crime aspects of intelligence work. He had no training in investigating Communists or radical right-wingers, and many times his naivete showed. Revill was also a ruthless career climber with great ambitions. If necessary he would step on anyone to advance his career" (page 18)

34 —  
The Warren Commission had files on threats against the President. I do not recall that the FBI provided a single one in advance of that trip to Dallas. However, the Dallas police and Revill in particular did. ~~There~~ There were a number from the area of Hosty's supposed expertise, those "extreme right-wingers." *One in* ~~One~~ on particular caught my attention (1) and I got a copy of it. It was Revill's report of November 5, 1963, a week and a half before the assassination. He reported the association between the Young Republican Club of North Texas University, at Denton, *and* General Edwin Walker, a supposed Hosty interest. *3 B* In fact, Hosty says that Walker headed the local wing of the paramilitary The Minutemen. ~~Giving the name of those involved with Walker~~ Revill reports that one of them William Drew Fitz,

*indent*  
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stated that plans were being made for the coming visit of the President. Fitz stated, quoted, "We'll drag his dick in the ~~dirty~~ dirt." Fitz emphasized that his group would have well-planned demonstrations during the President's visit to Dallas.

In the Commission's records this is identified as *Commission Document* (1316 (c) (4)).

Revill also reported that he had an informant at the group's planned meeting of the night before from whom he <sup>had</sup> not yet heard.

*possible*  
All of this was Hosty's turf but I saw no report from him on this or on any other threat to the President from the many "extreme right-wing" groups he was to cover for the FBI.

I ~~do~~ quote Hosty directly on his use of "extreme" referring to the right wing because all the reports I got from Dallas, *including* from those who knew him, place Hosty in the

Hosty's dislike of Revill comes ~~from~~<sup>shocky after the assassination</sup> from Revill reporting the day of the assassination that in a rushed and chance meeting, Hosty told him "That the Federal Bureau of Investigation <sup>was</sup> aware of ~~Oswald~~ the Subject [Oswald], and that they had information this Subject was capable of committing the assassination of President Kennedy" (page 266) Revill later ~~attested~~<sup>affirmed</sup> to this under oath and then testified to ~~it~~ it also under oath. Hosty denied ~~it~~ it and in his more placid comments said merely that Revill had misunderstood him.

With regard to threats against the President, Hosty says the guidelines were such that there was little the FBI should have reported to the Secret Service. There was *in fact* very little that it did.

(<sup>6</sup> Hosty has much to say about that.

Walker was of the right political extreme. He resigned from the army when he was criticized for trying to indoctrinate the troops of his command with his extremist political beliefs. He was a major factor in the violence when James Meredith, a black, tried to register at the University of Mississippi. Of <sup>Walker</sup> him Hosty says he headed the <sup>local</sup> ~~Texas~~ Minutement, a paramilitary group of the far right. With Walker one of Hosty's assigned interests, he did not report what Revill did. Giving the names of those <sup>at Denton</sup> involved with Walker Revill reported that one William Drew Fitz <sup>o</sup>

part of the spectrum, in its  
place political "right wing." So also does everything he has said of which I know  
as well as his writing at the beginning of this book, and throughout it.

Gemberling knew his Hosty: he blames everybody but himself.

Beginning with its title and those blurbs we are in the unreal world of  
James Patrick Hosty, Jr., a world so unreal that when he was taken off the  
pre-assassination Oswald case he titles his book, Assignment: Oswald and when he was kept  
off the case <sup>itself kept in odds and ends</sup> he becomes its "lead investigator."

As soon as I saw the dust jacket I decided to title this Hosty Pudding.

From the first few pages that may be praise for the book.

In it what is unproven is overwhelmingly proven; what he imagines, what from  
his own political prejudices to be real when it is not, is real no matter how unreal  
it in fact is. Oswald and the case rare illustrative.

Throughout Hosty refers to Oswald as a Communist and as <sup>a member</sup> ~~a member~~ of the  
Communist party although he <sup>and the FBI</sup> knew Oswald ~~was not a member~~. ~~From the initial work~~ Hosty  
Hosty does claim he was <sup>the lead</sup> ~~the lead~~ investigator on "Oswald's background" (page 70).  
He claims throughout to have studied all the evidence with care and he criticizes  
those he refers to as "buffs" for not doing that. <sup>still again</sup> Referring on his very last  
page of text to his having made his so careful study of the evidence as a lead-in  
to criticizing others he begins, "Anyone who has examined the evidence carefully <sup>as</sup>  
<sup>(page</sup> ~~as~~ have...." <sup>254</sup> ~~254~~). Oswald's politics certainly are an important part of  
his "background" and Hosty <sup>suppose</sup> was "the lead investigator" on that, he says, <sup>he therefore should be fully informed on</sup> to begin this.  
To give an understanding of the man, his politics <sup>his foot</sup> and his mind and of the kind of  
"careful" examination of the "evidence" Hosty <sup>beginning with his always referring to</sup> made made, <sup>we look at what</sup> with his having called Oswald as  
a Communist, this ~~is~~ part of what that official evidence for which Hosty was respon-  
sible actually says. I quote from the first book on the ~~the~~ Commission and the assassi-  
nation, my <sup>1965</sup> Whitewash: the Report on the Warren Report. It comes entirely from ~~the~~  
the published official evidence which it cites.



I quote it at some length because it is the actual evidence and <sup>becomes</sup> because central to Hosty's book and to his theory he <sup>1</sup>pretends is fact and not theory is his saying that Oswald was a Communist and involved in a devious plot or plots with Soviets and Cubans in Mexico City. Hosty's book is actually Hosty's <sup>attempt</sup> defense of himself and in ~~his defense~~ what he created for his defense his representation of Oswald as a Communist is essential:

# [The Report]

and gives them a meaning diametrically opposed to reality. About the Report are references to Oswald's "commitment to Communism". To most Americans this means the belief and philosophy of the American Communist Party and the Soviet Union. Above all, it notes an attachment to the Soviet Union. This was the opposite of the truth. The Commission knew it. All of its data prove that Oswald was not, either philosophically or by membership, connected with the Communist Party. He hated it a government of the Soviet Union with passion and expressed feelings with what for him was eloquence. While seeking to mitigate this forthright misrepresentation with equally vague and undefined references to "Marxism", which Americans equate with Communism, the Report leaves itself with as much intellectual integrity as the boy with his fingers crossed behind his back denying he was in the cookie jar. Almost from the moment of his arrest, the police knew all about Oswald's background, for the FBI's Oswald expert, James P. Hosty, participated in the first interrogation. Oswald discussed what

he considered his politics without inhibition. Insofar as he or they understood what he was talking about, it is, to the degree they desired, reflected in the reports of the interrogators. Appendix XI consists exclusively of these reports (R598ff.).

The moment the police heard Oswald had defected to the Soviet Union and heard from his own lips that he was a "Marxist", they ignored his frank statements about his disapproval of the Soviet Union, and the diversion and "Red scare" were launched. It received the widest dissemination. Editorial and headline writers needed no encouragement in their speculations and inherent accusations of a Communist plot to kill the President. From that moment on, Oswald was even more friendless, the trail of any conspiracy was brushed over, and the hounds were off in the wrong direction. To this day, even in the Report, the only really serious consideration given to any possibility of a conspiracy is restricted to the involvement of the Soviet Union or Castro Cuba.

If those among his acquaintances who told the Commission of Oswald's political beliefs, such as the Paines and George de Mohrenschildt, understood correctly, Oswald did not understand Marxism. Not a single witness or fact showed him either a Communist or pro-Communist. Every scrap of evidence from his boyhood on proved him consistently anti-Communist. Ruth Paine told FBI Agent Hosty, when he interviewed her in early November, that Oswald described himself as a Trotskyite and that she "found this and similar statements illogical and somewhat amusing" (R439). De Mohrenschildt, at the time of the assassination occupied with a business relationship with the Haitian government, was apparently the only member of the Fort Worth Russian-speaking community for whom Oswald had any respect (R282). De Mohrenschildt was described by the Commission and some of its informants as provocative, non-conformist, eccentric, and "of the belief that some form of undemocratic government might be best for other peoples" (R283). He was an agent for French intelligence in the United States during World War II. The Commission's investigation "developed no sign of subversive or disloyal conduct" on the part of the De Mohrenschildts (R383).

Oswald is not known to have ever had any kind of a personal contact with any party or any official of any part of the left, except by correspondence, and then of his initiative and of no clear significance. The total absence of such contacts, in person or otherwise, is in itself persuasive evidence that, as a matter of real fact rather than conjecture, he had no political affiliation. The searches of the Commission appear thorough and the facilities and resources of the investigative agencies are extensive.

As a 16-year-old, Oswald wrote the Young People's Socialist League asking information (R681). This is an old and well known youth group whose anti-Communism has been almost religious in its fervor.

Thereafter he wrote the Socialist Workers' Party, seeking literature, including the writings of Leon Trotsky. The Commission prints 14 pages of this correspondence (19H567-80). Again, this is an anti-Communist party and Trotsky is perhaps the best known of the former Russian Communists who fought the Soviet regime. Some of Oswald's correspondence with this group and all of his correspondence with the Communist Party (20H257-75) and the Fair Play for Cuba Committee (20H511-33) make sense only when the possibility of Oswald's being somebody's agent is considered.

The Report finds "Oswald had dealings" with these groups (R287). He did, in the same sense that one who writes the White House and gets a reply has "dealings" with the President.

Referring to the Communist Party U.S.A. alone, the Report states, "in September 1963, Oswald inquired how he might contact the party when he relocated in the Baltimore-Washington area, as he said he planned to do in October, and Arnold Johnson suggested in a letter of September 19 that he 'get in touch with us here (New York)

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and we will find some way of getting in touch with you in that city (Baltimore)." (R288).

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The Report is correct but incomplete, for on the same date Oswald made the same request of the Socialist Workers' Party (19H577). The Report's authors considered it expedient to ignore the letter to the SWP. The reason for this omission and the reason for similarly false letters from Oswald to both historically antagonistic groups are worthy of consideration. In omitting all reference to the SWP, the Report gives the false impression of a non-existing affiliation with the Communist Party, else why should Oswald want to get in touch with the Baltimore-Washington branch? There is no evidence he planned such a move. He planned to go to Mexico and he went there. But why should Oswald have wanted to be in touch with both parties, antagonistic as they are, especially because of his own clear antipathy toward the Communist Party? One of the obvious reasons is that he was trying to penetrate them as some kind of agent. He could not have found political sympathy in or from both. It is this possibility that completely escaped the consideration of the authors of the Report and it is the most obvious consideration. Especially when thought of in the light of Oswald's relations with Cuban refugee groups, detailed elsewhere in this book, could this line of reasoning have led to a meaningful analysis and conclusion.

There was "no plausible evidence that Lee Harvey Oswald had any other significant contacts" with any of these groups, the Report concludes, evaluating the Oswald-initiated correspondence and requests for literature as "significant".

But Oswald's real attitude toward the Communist Party and the Soviet Union were well known to the Commission. He made no secret of them, and the Russian-speaking community in Fort Worth reported his dislike. Oswald himself was well recorded in letters, drafts of speeches and notes and, in fact, in public speeches. A number of such documents appear in Volume 16. They are part of the Commission's record.

Toward the end of their stay in New Orleans, the Oswalds went to Battles Wharf, Alabama, to participate in a seminar. He unburdened himself of his anti-Soviet feelings. Marina got a thank-you note from Robert J. Fitzpatrick, of the Society of Jesus, in which she was asked to convey "thanks to your husband, too, for his good report to our seminar. Perhaps we do not agree with him regarding some of his conclusions but we all respect him for his idealism ..." (16H243).

Oswald's hatred of the Communist Party and the Soviet Union exude from 150 consecutive pages of his notes in the same volume, as well as from other exhibits (16H283-434). For example, in Exhibit 97 (pp.422-3) he raged, "The Communist Party of the United States has betrayed itself! It has turned itself into the traditional lever of a foreign power to overthrow the government of the United States, not in the name of freedom or high ideals, but in servile conformity to the wishes of the Soviet Union ... (the leaders) have shown themselves to be willing, gullible messengers of the Kremlin's Internationalist propaganda ... The Soviets have committed crimes unsurpassed ... imprisonment of their own peoples ... mass extermination ... individual suppression and regimentation ... deportations ... the murder of history, the prostitution of art and culture. The communist movement in the U.S., personalized by the Communist Party, U.S.A., has turned itself into a 'valuable gold coin' of the Kremlin. It has failed to denounce any actions of the Soviet Government when similar actions of the U.S. Government bring pious protest." (Spelling improved.)

The Report quotes some of this as well as "... I hate the U.S.S.R. and Socialist system ..." (R399).

He also described himself as one with "many personal reasons to know and therefore hate and mistrust Communism ..." (16H442).

Even his oft-mentioned notes on Russia, widely discussed but unquoted in the press, are a narrative full of the kind of information intelligence agencies, including our own, seek about other countries, especially the Soviet Union. It includes such items as the location of an airport, the layout of a city, and all sorts of intimate details of the electronics factory in which he worked, including what it produced, its rate of production, the number of employees engaged in various pursuits and other such non-travelogue data.

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It is abundantly clear that the Report distorts and misrepresents the Commission's information on Oswald's politics. It both says and implies the opposite of the truth. It pretends a man whose hatred of the Soviet Union boiled in his guts was a protagonist of that political system and perpetuates a lie foisted off on an innocent public by the police. In such a Report, by such a Commission, dealing with such a tragedy, this is unpardonable. Can there be any reason for this except a desire to "fool the public"? How many more people, here and abroad, were willing to accept what might have otherwise been unacceptable conclusions, how many were less critical than they might have been of the Commission, because of this pretense that Oswald had a "commitment to Communism", that he somehow was an agent of a hated political force? The Report concludes that he was serving no foreign government and that he was the agent of none (R21-2). But the Report repeats the false representation of Oswald's politics. The Commission instead should have inquired into who created and broadcast this deception and with what motives. As a result, the Commission's own motives are suspect.

(Pages 120-24)

Hosty finds this Commission conclusion incredible. He cannot see how it could possibly have reached that conclusion. If he did not say and believe that he would have no defense of himself and his record. If we assume as I do that Hosty is sincere in this we see that he begins with political preconceptions he does not permit to be influence by fact, by the truth. What he wants to believe, regardless of the fact, is what is real to him and he seeks to make appear to be true to his reader, for his defense of himself. His political beliefs, which are of the far right, are what he expresses in his book and they, too, cannot survive comparison with the ~~the~~ actual evidence, as in part we see above.

Consistent with this and also essential in his defense of himself and of his record is his account of how he came to have the Oswald case. He dates it as after 7:30 and before 11:45 the morning of the assassination:

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I checked my mail slot and found a case transfer order. The form order, with a fill-in-the-blank format, indicated that as of ~~the~~ this date a routine ~~counterintelligence~~ counter-espionage case on one Lee Harvey Oswald was now officially mine again (page 8).

Throughout his entire book Hosty refers to this Oswald case and that of his wife, Marina as what they were not, "counter-espionage" cases. As pretended proof of this he reproduces <sup>in photographs</sup> two cards that could well have been ~~the~~ included with the reproduction of <sup>the other</sup> documents in his appendix with photographs of them, black and white only as they are, in his section <sup>of</sup> pictures between pages 152 and 153. He has this caption for them:

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~~The~~ The FBI assignment cards that made the counter-intelligence cases on Lee and Marina Oswald part of Hosty's caseload one month before the assassination of President Kennedy.

The picture credit is to James P. Hosty, Jr.

The t<sup>r</sup>ansfer of the cases was from New Orleans and ~~they~~ <sup>that</sup> did not become effective until the very morning of the assassination.

This printed card is an FBI form. In the upper left-hand corner is the word "Title" and in the upper right-hand corner is "File No." Marina's name is on one, with the number 105-1435 and Lee's is on the other, with the number ~~100~~ 10,461. Those are the Dallas numbers. At headquarters and in the field offices the numberings are independent of each other.

Both of these numbers were "security" numbers, or for <sup>what</sup> the FBI regarded as "internal security," as "subversive." The difference between those numbers in those days is that the 105 <sup>was</sup> ~~was~~ "internal security" with "Nationalistic Tendencies." The FBI's file classification of "Espionage" is 65. That is where it filed actual or suspected espionage cases and information.

Until he retired John W. Fain had the cases of both Oswalds. He testified to the Warren Commission May 5, 1964, the same day that Hosty did. There had been interest in the possibility, regarded as remote, that the KGB might have planned to use either Oswald as a "sleeper" agent but that was in the end ruled out, and not by Fain alone:

As Hosty himself told the Commission Oswald was only "a security risk of a sort" (4H473).

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Mr. FAIN. Yes, sir; if he would have met the qualifications we considered that he had been a security risk, and had a potential for any violence or dangerousness, why, we certainly would have stayed on him.

Mr. DULLES. And you would not have marked the report as closed, the case as closed.

Mr. FAIN. Well, I closed it because my investigation was completed. The assignment was to interview him and the case at the end of the interview with the information we obtained the case was closed. The man had found a job, he was working, he was living in this duplex with his wife, and he was not a member of the Communist Party. Of course, it was true he had been to Russia. He denied any contacts with a Soviet intelligence agent. He denied that he had any contacts. We considered all the facts and circumstances and closed the case, and that is what I did.

Mr. McCLOY. If you had not come to that, would you have put in another lead for another interview?

Mr. FAIN. Yes, sir.

Mr. McCLOY. Would it have been incumbent upon you to recommend to your superiors that he be continued under surveillance?

Mr. FAIN. I could have recommended that he be reinterviewed but I frankly didn't see any point in doing that.

Mr. McCLOY. I understand that. But assuming you did find some derogatory information, or some facts that made you fear that he was a security risk beyond a recommendation for further interviews, what would be your province to do? Would it be your province to recommend surveillance?

Mr. FAIN. Yes, sir; if there had been some facts there to indicate that he was—

Mr. McCLOY. A potential danger?

Mr. FAIN. A potential danger to the security of the United States, and for instance if we had found that he was a member of the Communist Party and meeting with them, made some contact with them, I certainly would have stayed right on it.

Mr. McCLOY. You would have recommended that he be kept under surveillance then?

Mr. FAIN. Yes, sir.

Mr. McCLOY. That is all I am getting at.

Representative FORD. Are you through, John?

Mr. McCLOY. Yes.

Representative FORD. On the top page of Commission Exhibit 824 it says, and I quote, "Oswald and wife unknown to confidential informant." Did you make that check?

Mr. FAIN. I did. I checked with the confidential security informants that we had there, and they said this man was not known to be a member of the party, and the party had not discussed him for membership purposes or anything like that.

Representative FORD. Do you have in this area, or did you have at that time in this area reliable confidential informants?

Mr. FAIN. Yes, sir; yes, sir. Excellent informants. (P 426)

Fain's decision that there was no case against Oswald and that the case be closed was confirmed all the way to the top at headquarters. The FBI knew, with certainty, that Oswald was not a member of the Communist Party, too. As Fain continued to testify on these "security" not "espionage" cases it is clear that the Oswald case was official "closed":

Mr. STERN. Mr. Fain, your recommendation about closing a case is checked by how many supervisors that you know?

Mr. FAIN. One on the security desk there before it goes on here to the seat of Government.

Mr. STERN. This is one on the security desk in Dallas?

Mr. FAIN. Yes, sir.

Mr. STERN. Then what happens?

Mr. FAIN. Then the report goes on into Washington here, to the FBI.

Mr. STERN. As far as you know is it checked again here?

Mr. FAIN. Oh, yes.

Mr. STERN. And by whom or by what kind of official?

Mr. FAIN. Well, they have a desk up here that has that function, too, you see. I don't know just, Mr. Belmont can probably answer that better than I can because I am not familiar at all with the workings of it up here. But I know they are rigidly checked and rechecked.

Mr. STERN. Now, at the time you filed this report, in view of the fact that you didn't see, as you testified, any further work to be done at this time—

Mr. FAIN. That is right.

Mr. STERN. Could you have put the case in any other status besides "Closed"? Is there any other administrative procedure that might have been available to you under the circumstances where you had nothing further, no further work to recommend at the time?

Mr. FAIN. Any other status? I could have put it, of course, in a pending status and set out some leads.

Mr. STERN. No, no; assuming you didn't see any further work to be done, any further leads at that time, under your administrative practices?

Mr. FAIN. No; if the work has been completed, we put the recommendation that it be closed and as I say, of course, that is no ironbound thing, to keep it from being reopened. It can be reopened any time, any of these security cases, the very next day, if necessary or the next 5 days or the next month, anything comes in on it or we get any specific reason for reopening it, it certainly is reopened. (pgs 427)

In addition to local informants inside the Communist Party the FBI had its national headquarters thoroughly penetrated. It knew who the party's members were and it knew Oswald was not one. But from the first Hosty refers to his "security" squad as "the four-man counter-intelligence squad" (page 4). Yet as we saw, with the FBI knowing that Oswald as not a party member, Hosty from the first and throughout his book refers to Oswald, as quoted above, as a party member.

As Hosty himself told the Warren Commission when he took Fain's cases over the case against "ee was "closed at this time. It was closed." and the Marina case was an "inactive" case, which means that "Nothing was to be done on it for a period of 6 months." <sup>It was when Hosty</sup> He went looking for her to interview her <sup>he</sup> and learned that the Oswald's had left Fort Worth (Page 441).

What got Hosty to spring into action was ~~the~~ learning that Oswald has subscribed to what was then the newspaper of the Communist Party, The Daily Worker, as he ~~writes~~ writes in his book (pages 45-6). Although the security supervisor in the Dallas office had initialed and ignored the memo from the New York office reporting the Oswald subscription, that subscription alone was to Hosty all "we needed to

reopen the file on Lee Oswald" (page 46) *o*

This decision was made easier by Hosty's not recalling that Oswald also subscribed to The Militant, the publication of the strongly anti-Communist Socialist Workers Party. By the Hosty standard a large number of anti-Communists, including the FBI, research institutions, libraries and a wide variety of anti-Communist organizations *and people* should have been active FBI cases because they also got The Daily Worker. But to Hosty Oswald's subscription was proof that he "had lied to Fain... when he told him he was *disillusioned* with communism" (page 46) *o*

Even this Hosty simplification in which he acted on his own right-wing political views rather than fact does not tell the truth. The truth is that Oswald was always anti-Communist, *beginning as a boy*. In the Marines, as <sup>e</sup> brought to light in Oswald in New Orleans, before he went to the Soviet Union, his favorite book was the anti-Communist classic, Orwell's The Animal Farm. And earlier *than* that, when but a boy, his favorite TV program was ~~the anti-Communist~~ *that of* Three Herby's *Philbrick*, an FBI informer inside the Communist Party. His book on his career as an FBI informer was I Led Three Lives. This also Hosty does not mention, as in writing his book he omits what is quoted at length above of Oswald's actual writings that as in his own description *of him self as* "the lead investigator" on "Oswald's background" he had to *2 all of this and more* know. In that role Hosty also had to know what Lee's older brother Robert testified to before the Warren Commission (1H624ff), that Lee was so taken by that Philbrick ~~care~~ career *as* of spying for the FBI he took in all the reruns as avidly as he did the first telecastings. And, of course, *by* learning what he could about Lee's "background" was part of Hosty's responsibilities.

These questions of Hosty's credibility Hosty himself raises and he does that in a way that makes it impossible for the average reader to perceive that there are these and many, many more questions of his credibility. The *trusting* average reader has no way of knowing that not only was Oswald Oswald not a Communist—he was very strongly anti-Communist. The average reader also has no way of knowing that the Oswalds were *not*



*or just plain political*

espionage cases at all but ~~was~~ were "security" or "subversive" cases in which before Hosty the FBI had found ~~nothing~~ at all and ~~abandoned~~<sup>N</sup> them rather than waste more time on them. We do get to more of these as we go through Hosty's book but there is an additional question of credibility that the reader can evaluate and that Hosty himself raises early in his book. The Warren Commission found it difficult to understand that Hosty was so indifferent to the motorcade both in terms of Oswald this suspected Soviet spy ~~being~~ to Hosty's knowledge right where the motorcade would be and in terms of Hosty's lack of interest is his President going by. Hosty uses his book to get back at those who found believing him difficult.

Hosty makes it a point to say he ~~was~~<sup>is</sup> Irish and proud of it, that he was also a sincere Catholic and that he supported Kennedy. This is not in his Commission testimony but it is, pointedly, in his book, along with a lengthy quotation of his Commission testimony in which he does not reflect the ~~pages~~<sup>volume and</sup> of ~~the~~ which that testimony appears.

Hosty begins his book with an account of what their Special Agent In Charge (SAC) Gordon Shanklin told the agents <sup>the visit</sup> four days before the President's visit. ~~It~~<sup>what Hosty writes</sup> has already been reported in the papers. ~~It is~~, predictably, anti-Secret Service. One criticism is that it ~~wants~~<sup>ed</sup> no help from the FBI. Hosty then quotes Shanklin as saying they will do everything by the book, "which means if any of you know of any threats of any kind to the president, refer them to the Secret Service. I want you all to err on the side of caution. If you have any doubts about whether to report a piece of information to the Secret Service, go ahead and report it. Let's be on the safe side." (page 4) ~~this~~<sup>is</sup> also is not in Hosty's testimony.

Although he knew it had been in the papers and had been alerted by Shanklin, in Hosty's account it was not until the evening before the visit that he remembers seeing anything. He reports that the Times Herald, the evening paper had "a front page diagram of the parade route" (page 5) but he "examined it" only "casually" (page 6). He ends this section saying, again defending himself and not heeding the

instructions from Shanklin" to err "on the side of caution" and to be "on the safe side," Hosty writes;

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My only obligation for the security of the President's trip was to report to the Secret Service anyone who had made a threat against the president...just the day before I had hand-delivered a report on one possible threat... that a local Klan member had remarked that his group would have "a little reception" for Kennedy...I wrote up ~~this~~ this information in a one-page report, including a physical description of the Klan member, and attached his photograph to the report" and had-delivered it to the Secret Service. I later learned that the Secret Service briefly interviewed the man, but took no action to detain him or monitor his whereabouts on Friday during the ~~preside~~ president's visit (page 6)

That a Klan member said they were going to ~~demon~~ demonstrate, as many ~~ex~~-ger group-groups of the right said they would and did, those he does not mention but within his responsibilities, that was important enough to write a memo and walk it over to the Secret Service. But that a man he says was a Communist and part of ~~later Communist~~ <sup>u</sup> that he later says was a Communist conspiracy to kill the President worked in a building along the motorcade route he did not consider important enough to report.

Most of those who have been watched during such visits did not make overt threats. They were merely regarded as potentially dangerous people and for that reason only were watched. Hosty did not, he says, think of telling anyone of Oswald's history and presence. It was <sup>just</sup> before leaving for an appointment with Ed Coyle of Army intelligence and Jack Ellsworth of the Treasury's Bureau of Alcohol, <sup>CC</sup>Tobacco and Firearms that he saw the Oswald case had been referred back to him. (page 8) ①

Coyle and Hosty walked the short distance to where the motorcade was to pass. Of course <sup>Hosty</sup> ~~he~~ is critical of the Secret Service and what he refers to as its negligence when the president ~~was~~ was to be protected. Hosty did not even glance at the President until he had passed, when "all I could see was the back of his head." (page 9).

Then he gets into his criticisms, first that the President ~~as~~ was in an open

car "with no Secret Service or police anywhere near him" (page 9). As the Warren Commission Report and testimony with which <sup>Hosty</sup> is familiar enough <sup>to</sup> quote ~~it~~ at some length make clear, the President himself had decided that the bubbletop be removed from his limousine and that the Secret ~~Service~~ <sup>bumper</sup> agents who were to have been on its back not be there. They were on the followup car which was quite close to the limousine, and four were on its runningboards. <sup>That</sup> is "not anywhere near" the President? And those police also not "anywhere near" the President? There were twelve motorcycle police in the motorcade <sup>alone</sup> and four were outriders, <sup>two</sup> on each side of the limousine. Where Hosty says he got his something less than a peek at the back of the President's head those four motorcycle police were almost in contact with the limousine. This also was the actuality at the time the shots were <sup>fired</sup>. Some of the police were bathed with the spray of bone and tissue from the President's head, they were that close to him.

Hosty cannot have looked at the pictures he refers to without having seen how very close to the President <sup>when he was shot</sup> those four of the police and those four in particular of the Secret Service were to the President <sup>But Hosty has</sup> but not only ~~has he~~ this compulsive need to criticize just about everybody else, as Gumblerling had said he would, he seems to think doing this makes him look better. It might to those not aware of the facts, to those who know only what they read in his books.

Unlike the followup car the President's limousine did not have running boards for the Secret Service to stand on. It did have two agents in the front seat and there were none on the back bumper only because that was the President's order. He wanted to be seen by the crowds. Moreover, in the official account of the shooting had there been agents on the back bumper and also seat <sup>at</sup> close to him ~~on~~ on both <sup>sides</sup> and in the jump seat in front of him it would have made no difference at all.

Hosty does not quote all the Commission's questions <sup>at</sup> and his answers (4H472-5). <sup>Hosty's interference</sup> They get into the following Hosty's testimony that the building manager, Roy Truly, whose name Hosty misspelled <sup>in</sup> his book as "Truely," told him that the day before the assassination, after the first edition of the evening papers appeared about

1:30 in the morning, all the employees of the TSBD "became very excited" because the "motorcade was going to pass directly in front of their building." Then,

Mr. McCloy. But according to your recollection of what he said, all the employees were excited and became aware of the fact that the motorcade—

Mr. Hosty. At that time.

Mr. McCloy. At that time was going to pass the School Book Depository.

Mr. Hosty. Right.

Mr. McCloy. Did you notice that Oswald said in the course of his interview by Captain Fritz that he had not had a rifle but he had seen a rifle in the possession of Mr. Truly?

Mr. Hosty. Right.

Mr. McCloy. Did you interrogate Mr. Truly about that?

Mr. Hosty. No, I didn't.

Mr. McCloy. Do you know whether anyone else did?

Mr. Hosty. I can't say for certain, no. (Page 472)

That there was another rifle in that building, which turns out to have been two other rifles, did not interest this derring-do FBI special agent in investigating the assassination of the President, the first Irish and Catholic President in our history, proud Irishman and Catholic that Hosty was, It interests us later.

After a brief exchange about other matters this comes up again:

Senator COOPER. You were told on November 1 that he was employed at the Texas School Book Depository?

Mr. Hosty. Yes, sir.

Senator COOPER. Had you checked there to see if he was employed?

Mr. Hosty. I made a pretext interview on the 4th.

Senator COOPER. On what day?

Mr. Hosty. The 4th of November.

Senator COOPER. Considering that he was a defector, you knew he was a defector?

Mr. Hosty. Yes, sir.

Senator COOPER. And considering that he had been engaged in this demonstration in New Orleans, and the statement that Mrs. Paine had made to you, did it occur to you at all that he was a potentially dangerous person?

Mr. Hosty. No, sir.

Senator COOPER. Why?

Mr. Hosty. There is no indication from something of that type that he would commit a violent act. This is not the form that a person of that type would necessarily take. This would not in any way indicate to me that he was capable of violence.

Senator COOPER. I believe you testified that you didn't know the route of the—

Mr. Hosty. That is correct, sir.

Senator COOPER. Of the procession which passed the Texas School Book Depository?

Mr. Hosty. That is correct, sir.

Senator COOPER. Did it occur to you to communicate this information to the Secret Service or the Dallas police about Oswald?

Mr. Hosty. No, sir; there would be no reason for me to give it to them.

Mr. McCloy. You did know he was lying though, didn't you?

Mr. Hosty. Yes, sir.

Mr. McCloy. Don't you think the combination of the fact that you knew that he was lying and that he was a defector and that he had this record with the Fair Play for Cuba, that he might be involved in some intrigue that would be if not necessarily violent, he was a dangerous security risk?

Mr. Hosty. He was a security risk of a sort, but not the type of person who would engage in violence. That would be the indication.

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Representative Ford. What are the criteria for a man being a potential violent man? Is this a subjective test?

Mr. Hosty. You mean to the point where we would report him to the Secret Service?

Representative Ford. Yes.

Mr. Hosty. It is instructions we had as of the 22d of November, we had to have some indication that the person planned to take some action against the safety of the President of the United States or the Vice President.

Representative Ford. How do you evaluate that? Do you have any criteria?

Mr. Hosty. No; at that time it was that there had to be some actual indication of plan or a plot.

Representative Ford. There had to be a conspiracy of some sort?

Mr. Hosty. Well, or a single person doing something if anyone was going to take any action against the safety of the President or Vice President.

Representative Ford. I think you testified earlier that at the time of the motorcade you were at your lunch hour.

Mr. Hosty. Right.

Representative Ford. And were actually eating lunch? When a President visits a community, is the FBI or its people assigned any responsibilities as far as the security of the President is concerned?

Mr. Hosty. Prior to November 22, I know of no incidents where the FBI was called in to help the Secret Service, to my knowledge.

Representative Ford. And particularly on this day none of the—

Mr. Hosty. Definitely not.

Representative Ford. Of the people in the FBI in the Dallas area were given any assignments?

Mr. Hosty. That is correct.

Representative Ford. For the security of the President?

Mr. Hosty. That is correct.

Mr. McCloy. Mr. Hosty, let me ask you this: Suppose you had known that that motorcade was going to go past the School Book Depository, do you think your action would have been any different?

Mr. Hosty. No, sir; it wouldn't have been any different.

Mr. McCloy. Even though you knew that he was located there?

Mr. Hosty. Right.

Mr. McCloy. And that he was a defector?

Mr. Hosty. Right. (pages 472-5)

What Hosty testified <sup>to</sup> before the <sup>non</sup> Commission in 1964 is not in accord with what he wrote thirty years later to make himself and the FBI and its then Dallas SAC look better, that they were to "be on the safe side" <sup>and</sup> <sup>wrote to tell</sup> what they told the Secret Service, that "if you have any doubts at all about whether to report a piece of information, go ahead and report it."

McCloy's questioning was a little too sharp for Hosty so when he had the chance he got even. He is writing about his meeting with Hoover after his testimony:

Histy actually says that as soon as he heard Oswald's name as the Tippit killer he knew immediately that Oswald was also the killer of the President. He then knew nothing about Oswald that he did not know before the assassination. He therefore had neither more nor less reason for not doing as Shanklin ordered them all to do.

~~and he did not do, is unrepentant about and insists was right and proper under their instructions.~~

Yet assumed immediately ~~this~~ That Oswald was the assassin.

He knew what Shanklin's orders were.

He did not follow them.

He is unrepentant.

He insists what he did and did not do was correct under their instructions.

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Hoover changed the subject to the Warren Commission and their proceedings. He told me that the FBI had a source on the Commission (I later found out it was Congressman Ford, among others), and that Hoover's information, which he considered reliable, was that the Commission would clear the FBI of any mishandling of the Oswald case by a 5-to-2 margin. Only Warren and McCloy would vote against the FBI. Hoover told me how Warren detested him, and recounted the story of the cocktail party, telling me himself, with some enjoyment, how Warren had spit out that Hoover was a "Boy Scout."

Hoover proceeded to McCloy, who "was nothing more than a broken down Philadelphia lawyer with holes in his shoes before he married that Zinsser girl." That Zinsser girl was from a wealthy German-American family and, according to Hoover, after the marriage McCloy's career took off like a rocket. McCloy now had access to the most elite social circles, and this had carried him all the way to his present position. I later wondered if Hoover had unearthed something relating to McCloy, much like he had with Warren, which would explain why he could be counted on to vote against the FBI. (p 141-155)

In fact "McCloy was a professional success from the beginning of his professional life. He held many government posts, <sup>some quite high</sup> and he became a respected and very successful international banker.

In assessing Hosty's credibility the reader can decide for himself why he did not tell the Warren Commission what Shanklin's orders were about informing the Secret Service and whether in what he did and did not do, from his testimony and from his book, Hosty did follow Shanklin's orders, "If you have any doubts about whether to report a piece of information to the Secret Service, go ahead and report it. Let's be on the safe side"(page 4).

Hosty's record is that he did not believe the man he regarded as a dyed-in-the-wool Communist and as involve in a conspiracy with <sup>should</sup> ~~Communist~~ Communists to kill the President ~~that~~ have been mentioned to the Secret Service under Shanklin's criteria.

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There is no part of this book in which there is not the most substantial question about Hosty's credibility and not infrequently about his honesty in what he writes. <sup>my</sup> Some of these questions can be attributed to his ~~right-wing~~ political beliefs but not all of them, as we see.

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↓

These pages are not numbered. In this 1995 review what was made public ~~13~~ years earlier is redacted, the fact that the embassy phones were bugged. Note that at the time this was written there was a question whether the man to whom Oswald spoke was Kostikov.

The date of writing was 12/13/63.

This memo says they were flooded with bogus tips and debunked them all. The fact is that the CIA in Mexico City credited the first two that were palpably false.

Says that when they saw the FBI report, CD 1, they found it "highly interesting." They had to have spotted it immediately as not an intended to be a report on the assassination but they avoid saying this, it was in fact a diatribe against Oswald. If the CIA had no earlier indication of it, this told it that there would be no real investigation and that none was intended.

Says that many but not all the tapes were erased and used over.

Spells put that the CIA station asked Mexican authorities to arrest and "question" Duran. The report of her second arrest, 11/27, withholds that the CIA had asked for it and that she had been beaten into a false confession of having been Oswald's "mistress," which the CIA records do reflect. So why omit it from this report?

It refers to the "likelihood" that Oswald met with Kostikov whereas the description of the man he met is not of Kostikov. It then says Kostikov is from the KGB's Department 13, which is "charged with sabotage and assassinations." It then turns out that all of this is surmised about Kostikov. Yet it says that it is probably only coincidence that Oswald met Kostikov.

Referring to Duran's first arrest, the police asked her if she had been "intimate with OSWALD and she denied it."

It also points out that if Oswald had had any connection with the KGB they would have kept him from going to its embassy.

There is what seems to be another version of this report, this one with page numbers at the top but the first page I see is 4.

There are other deletions of what is disclosed, like the interception of the calls from the President of Cuba to the Mexico embassy.

The modest heading on the first draft is "We Discover Lee OSWALD in Mexico City."

There are a few pages, first missing, rehashing some of this. This appears to be a finished version and it is explicit in staying what cannot be explicit, that it was Kostikov to whom Oswald spoke. It also says that the CIA had nothing to do with Duran's arrest and does not mention her second arrest. The missing first page may be in what I've gone over but it is not worth the time to learn. Much of this is self-serving.